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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/004,768	12/04/2001	Yungrwei Chen	00-08	00-08 8455	
30699	7590 07/14/2005		EXAMINER		
DAYCO PRODUCTS, LLC 1 PRESTIGE PLACE MIAMISBURG, OH 45342			HOOK, JAMES F		
			ART UNIT	PAPER NUMBER	
			3754	3754 DATE MAILED: 07/14/2005	
			DATE MAILED: 07/14/2009		

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)	
10/004,768	CHEN ET AL.	
Examiner	Art Unit	
James F. Hook	3754	

	James F. Hook	3754				
The MAILING DATE of this communication appe	ars on the cover sheet with the c	orrespondence add	ress			
THE REPLY FILED 29 June 2005 FAILS TO PLACE THIS APF	PLICATION IN CONDITION FOR A	LLOWANCE.				
 The reply was filed after a final rejection, but prior to or on this application, applicant must timely file one of the follow places the application in condition for allowance; (2) a No a Request for Continued Examination (RCE) in compliance time periods: The period for reply expires 3 months from the mailing date 	the same day as filing a Notice of ving replies: (1) an amendment, aff tice of Appeal (with appeal fee) in o ce with 37 CFR 1.114. The reply mo	Appeal. To avoid aba idavit, or other evider compliance with 37 C	ce, which FR 41.31; or (3)			
b) The period for reply expires on: (1) the mailing date of this A no event, however, will the statutory period for reply expire is Examiner Note: If box 1 is checked, check either box (a) or TWO MONTHS OF THE FINAL REJECTION. See MPEP 7	ater than SIX MONTHS from the mailin (b). ONLY CHECK BOX (b) WHEN THE 06.07(f).	g date of the final rejecti FIRST REPLY WAS F	on. ILED WITHIN			
Extensions of time may be obtained under 37 CFR 1.136(a). The date have been filed is the date for purposes of determining the period of ex under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the set forth in (b) above, if checked. Any reply received by the Office later may reduce any earned patent term adjustment. See 37 CFR 1.704(b) NOTICE OF APPEAL	tension and the corresponding amount shortened statutory period for reply orig r than three months after the mailing da	of the fee. The appropri inally set in the final Offi	ate extension fee ce action; or (2) as			
 The Notice of Appeal was filed on A brief in comp filing the Notice of Appeal (37 CFR 41.37(a)), or any exte a Notice of Appeal has been filed, any reply must be filed 	nsion thereof (37 CFR 41.37(e)), to	avoid dismissal of th	ns of the date of e appeal. Since			
AMENDMENTS	but notes to the data of filing a brief	will not be entered b	0031160			
 The proposed amendment(s) filed after a final rejection, They raise new issues that would require further co They raise the issue of new matter (see NOTE below) 	nsideration and/or search (see NO w);	TE below);				
(c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or						
(d) ☐ They present additional claims without canceling a NOTE: (See 37 CFR 1.116 and 41.33(a)).		ected claims.				
4. The amendments are not in compliance with 37 CFR 1.1		mpliant Amendment	(PTOL-324).			
5. Applicant's reply has overcome the following rejection(s)		•				
6. Newly proposed or amended claim(s) would be a non-allowable claim(s).	llowable if submitted in a separate,					
7. For purposes of appeal, the proposed amendment(s): a) how the new or amended claims would be rejected is pro The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) rejected: Claim(s) withdrawn from consideration:		II be entered and an e	explanation of			
AFFIDAVIT OR OTHER EVIDENCE						
8. The affidavit or other evidence filed after a final action, but because applicant failed to provide a showing of good an was not earlier presented. See 37 CFR 1.116(e).	ut before or on the date of filing a N d sufficient reasons why the affidat	otice of Appeal will <u>no</u> vit or other evidence is	ot be entered s necessary and			
9. The affidavit or other evidence filed after the date of filing entered because the affidavit or other evidence failed to showing a good and sufficient reasons why it is necessar	overcome all rejections under appe	al and/or appellant fa	ils to provide a			
10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. REQUEST FOR RECONSIDERATION/OTHER						
11. The request for reconsideration has been considered by See Continuation Sheet.	it does NOT place the application i	n condition for allowa	nce because:			
12. Note the attached Information Disclosure Statement(s). 13. Other:	(PTO/SB/08 or PTO-1449) Paper I	James F. Hook Primary Examiner Art Unit: 3754	,			

Continuation of 11. does NOT place the application in condition for allowance because: the chambers which meet the recited chambers in the claims can be found within the tubing sections recited in the rejection under Van Ruiten, the examiner is not equating the tubing with applicants chambers but that the tubing sections contain chambers therein which meet the applicants claim language, and one skilled in the art would know that the tubing sections contain chambers therein. It still appears that applicant is placing more limitations in the claims than is present, where there is no suggestion that the chambers must reside in a single one piece tube section, and therefore the prior art teaching three tubes sections with chambers therein would meet the claim language as it currently appears. However, it is not clear if applicants specification is specific enough to recite a singe one piece tube without entering new matter into the case. With respect to the no tube language, claims are required to positively recite their limitations and it is clear that applicant is claiming a chamber with no tube therein, and the specification does not support the reading of such as "no attenuation means either" as applicant suggests one of ordinary skill in the art would understand this language to mean. Since no such language appears in the application as filed, only that no tubes are provided such can not be assumed to mean something other than what the specification supports. At this time the examiner would be willing to grant an interview, however, there appears to be no clear subject matter that could be added to the claims at this time that would not result in a new issue requiring further search and consideration, which would be denied entry at this time in the prosecution.